

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

**ERIE INSURANCE EXCHANGE,
as Subrogee of STUART J. PRICE,**

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

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CAUSE NO. 1:11-CV-306

OPINION AND ORDER

This case was removed to this Court from the Whitley County Superior Court by Defendant Ford Motor Company based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 4.) The Notice of Removal alleges that, upon information and belief, Subrogor Stuart J. Price is a citizen of Indiana. (Notice of Removal ¶ 2.)

Defendant's jurisdictional allegations, however, inadequately set forth Subrogor Price's citizenship. It is well-settled that "[a]llegations of federal subject matter jurisdiction may not be made on the basis of information and belief, only personal knowledge." *Yount v. Shashek*, 472 F. Supp. 2d 1055, 1057 n.1 (S.D. Ill. 2006) (citing *Am.'s Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir. 1992)); *Ferolie Corp. v. Advantage Sales & Mktg., LLC*, No. 04 C 5425, 2004 WL 2433114, at *1 (N.D. Ill. Oct. 28, 2004); *Hayes v. Bass Pro Outdoor World, LLC*, No. 02 C 9106, 2003 WL 187411, at *2 (N.D. Ill. Jan. 21, 2003); *Multi-M Int'l, Inc. v. Paige Med. Supply Co.*, 142 F.R.D. 150, 152 (N.D. Ill. 1992). Consequently, the Defendant must amend its Notice of Removal with respect to Subrogor Price's citizenship.

Therefore, the Defendant is ORDERED to file an amended Notice of Removal on or before September 21, 2011, properly alleging on personal knowledge the citizenship of Subrogor

Stuart J. Price.

SO ORDERED.

Entered this 7th day of September, 2011.

/S/ Roger B. Cosbey
Roger B. Cosbey,
United States Magistrate Judge